

FINANCING OF EDUCATIONAL EXCHANGE PROGRAM

*Exchange of notes at Manila December 8 and 20, 1948, amending
agreement of March 23, 1948, as amended
Entered into force December 20, 1948
Superseded by agreement of March 23, 1963¹*

62 Stat. 3805; Treaties and Other
International Acts Series 1910

*The American Chargé d'Affaires ad interim to the Secretary of Foreign
Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
Manila, December 8, 1948

No. 2266

EXCELLENCY:

I have the honor to refer to Article 5 of the Fulbright Agreement² between the Government of the United States of America and the Republic of the Philippines for the use of funds made available in accordance with the agreement between the Government of the United States of America and the Republic of the Philippines for the sale of surplus war property, which is worded as follows:

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of nine Directors (hereinafter designated the 'Board').

"The principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated the 'Chief of Mission') shall be Honorary Chairman of the Board. He shall have the power of appointment and removal of members of the Board at his discretion. The members of the Board shall be as follows: (a) the Chief Public Affairs Officer of the United States Embassy in the Philippines, Chairman; (b) two other members of the Embassy staff, one of whom shall serve as treasurer; (c) two citizens of the United States of America, one represent-

¹ 14 UST 352; TIAS 5321.

² Agreement signed at Manila Mar. 23, 1948 (TIAS 1730, *ante*, p. 123), as amended by agreement of Apr. 2 and 8, 1948 (TIAS 1745, *ante*, p. 131).

ative of American business interests in the Philippines and one representative of American educational interests in the Philippines; and (d) four citizens of the Philippines, at least two of whom shall be prominent in the field of education.

"The six members specified in (c) and (d) of the last preceding paragraph shall be resident in the Philippines and shall serve from the time of their appointment until the succeeding December 31 next following such appointment. They shall be eligible for reappointment. The United States members shall be designated by the Chief of Mission; the Philippines members by the Chief of Mission from a list of names submitted by the Government of the Republic of the Philippines. Vacancies by reason of resignations, transfer of residence outside of the Philippines, expiration of term of service, or otherwise shall be filled in accordance with this procedure.

"The Directors shall serve without compensation, but the Foundation is authorized to pay the necessary expenses of the Directors in attending meetings of the Board."

The Department of State has reconsidered its policy relating to the pattern of membership of the Board of Directors of USEFP and now suggests the following amendment to Article 5, which equalizes the representation of our two countries on the Board and vests in the Philippine Government the right to appoint and remove its own representatives. Although the proposed amendment removes all specifications as to fields of interest to be represented by appointees, it is hoped to obtain as wide a representation as possible of private and governmental interests among the representatives of each country.

"The management and direction of the affairs of the Foundation shall be vested in a Board of Directors consisting of ten Directors (hereinafter designated the 'Board'), five of whom shall be citizens of the United States of America and five of whom shall be citizens of the Philippines. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to the Republic of the Philippines (hereinafter designated 'the Chief of Mission') shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board and shall appoint the Chairman of the Board. The citizens of the United States of America on the Board, at least three of whom shall be officers of the United States Foreign Service establishment in the Philippines, shall be appointed and removed by the Chief of Mission; the citizens of the Philippines on the Board shall be appointed and removed by the Government of the Republic of the Philippines.

"The Directors shall serve from the time of their appointment until one year from the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside the Philippines, expiration of term of service or otherwise, shall be filled in accordance with this procedure.

"The Directors shall serve without compensation but the Foundation is authorized to pay the necessary expenses of the Directors in attending the meetings of the Board."

Upon the receipt of a note from Your Excellency stating that the foregoing suggestion is acceptable to the Government of the Republic of the Philippines, the Government of the United States of America will consider that the subject agreement has been so amended.

Accept, Excellency, the renewed assurances of my highest consideration.

THOMAS H. LOCKETT
Chargé d'Affaires, a.i.

His Excellency

ELPIDIO QUIRINO
Secretary of Foreign Affairs
Republic of the Philippines

*The Acting Undersecretary of Foreign Affairs to the American Chargé
d'Affaires ad interim*

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MANILA, *December 20, 1948*

SIR:

I wish to acknowledge receipt of your note No. 2266, dated December 8, 1948, which reads as follows:

[For text of U.S. note, see above.]

and to inform you that the suggested amendment to Article 5 of the Fulbright Agreement, quoted therein, is acceptable to the Government of the Republic of the Philippines, and, therefore, as of this date, subject agreement may be considered so amended.

Accept, Sir, the renewed assurances of my high consideration.

FELINO NERI
Acting Undersecretary

The Honorable THOMAS H. LOCKETT
Chargé d'Affaires ad interim
United States Embassy
Manila